

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**HEIDI SEEKAMP, On Behalf of Herself and All Others
Similarly Situated,**

Plaintiff,

-against-

**FUCCILLO AUTOMOTIVE GROUP, INC.,
FUCCILLO LINCOLN MERCURY HYUNDAI, INC.,
and UNIVERSAL AUTOMOTIVE SERVICES, INC.,**

**STIPULATION OF PARTIAL
DISCONTINUANCE AND
FOR SUBSTITUTION OF
PARTY**

1:09-CV-00018
(LEK/DRH)

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties appearing in the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, Plaintiff's fourth cause of action based on alleged violations of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301, *et seq.*, be, and the same hereby is, discontinued without costs to either party as against the other.

IT IS HEREBY FURTHER STIPULATED AND AGREED, that non-party "It's Huge, Inc." shall be substituted herein for Defendant Fuccillo Automotive Group, Inc., without prejudice, and shall be deemed to have answered the Complaint to the same extent as Defendant Fuccillo Automotive Group, Inc., and that the Clerk of the Court shall amend the official case caption by removing Fuccillo Automotive Group, Inc., and naming "Its Huge, Inc." in its place and stead.

This Stipulation may be filed without further notice with the Clerk of the Court.

DATED: April __, 2010

LEMBERG & ASSOCIATES, LLC

/s/ *Sergei Lemberg*

By: _____
Sergei Lemberg
Bar Roll No. 514922

Attorneys for Plaintiff
Heidi Seekamp
Office and Post Office Address:
1100 Summer Street, 3rd Floor
Stamford, Connecticut 06905

DATED: April __, 2010

HISCOCK & BARCLAY, LLP

/s/ *William A. Hurst*

By: _____
William A. Hurst
Bar Roll No. 510271

Attorneys for Defendants
Fuccillo Automotive Group, Inc. and
Fuccillo Lincoln Mercury, Inc.
Office and Post Office Address:
50 Beaver Street
Albany, New York 12207

IT IS SO ORDERED.

DATED: April 9, 2010
Albany, New York

IT IS SO ORDERED:

Lawrence E. Kahn
U.S. District Judge
Dated: April 09, 2010
Albany, NY